

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK**

IN RE:

BOYIE SHERMAN,

Debtor.

Bk. No.: 18-10245

Chapter 13

Ad. Pro. No.

BOYIE SHERMAN,

Plaintiff,

v.

CITY OF SCHENECTADY, NEW YORK

Defendant.

**ADVERSARY COMPLAINT
TO VOID FRAUDULENT CONVEYANCE
UNDER 11 U.S.C. §548**

The Plaintiff, by and through his attorneys, DeLorenzo, Grasso & Dalmata, LLP, for their Complaint, hereby allege:

1. That the Plaintiff is the debtor in the main action bearing the bankruptcy number filed above and Andrea e Celli, is their Chapter 13 Trustee.
2. The Defendant, the City of Schenectady, is an entity organized and existing pursuant to the laws of the State of New York and has its offices in Schenectady, New York.
3. This adversary proceeding arises out of and relates to the Chapter 13 case of Boyie Sherman, Bk. No. 18-10245 on the docket of this Court. This Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §157, 1334 and 11 U.S.C. §548. This is a core proceeding under 28 U.S.C. §157(b)(2)(E)(F).
4. That on the 1st of September, 2017, and within one year prior to the filing of the Petition herein, the real property of the debtor, Boyie Sherman located within the jurisdiction

of the defendant, was forcibly transferred to the Defendant pursuant to Article 11 of the Real Property Tax Law of the State of New York for outstanding back real property taxes. The real property in question consisted of 844-846 Albany Street, Schenectady, New York bearing SBL number 49.33-4-12.

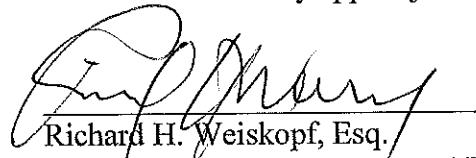
5. That the going concern value of the property is \$70,000 and the total amount of taxes for which the properties were taken is less than \$10,000.

6. That the transfer of such land for the value of approximately \$10,000 is less than a reasonably equivalent value for the property transferred.

7. The property remaining in the ownership and control of the debtor after said transfer was an unreasonably small capital and the fair value of the property remaining in the ownership of the debtor after such transfer was well less than the sum of the debtor's debts.

WHEREFORE, Plaintiff prays that the transfer of said real property by the debtor to the Defendant be declared null and void; that the Defendant be required to transfer and deliver up to the Plaintiff said real property; that if the Defendant has disposed of such real property, that the Defendant be required to account to Plaintiff for value of the parcel and that Plaintiff have Judgment for such other, further and different relief as may appear just and proper.

Dated: February 27, 2018



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